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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,432	03/24/2004	Tadashi Yoshida	1341.1197	4260

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/807,432	Applicant(s) YOSHIDA ET AL.	
	Examiner Nam Huynh	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-12, 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (US 2004/0049454) in view of Blair (US 2004/0049467).

A. Regarding claims 1, 9, 11, and 17, Kanno et al. discloses an electronic money settlement method using a mobile communication terminal comprising the following:

- A settlement input unit or salesperson terminal that allows a user to enter information corresponding to purchased goods (page 3, paragraph 0048).
- A memory that stores the prices, and preferably the names of the goods from the input unit (page 3, paragraph 0045).
- A mobile communications terminal that is able to communicate with the settlement input device via a mobile communications network (page 2, paragraph 0028).
- A settlement device that allows the user of a cellular phone to make an electronic payment (page 7, paragraphs 0101-0105).

Kanno et al. does not explicitly disclose access to a website by both the salesperson and customer terminals. However, Kanno et al. does disclose that the mobile communication terminal is connected to the Internet and the settlement device (page 2,

paragraph 0026). The settlement input device has a communication unit that is able to communicate with the settlement device through cables (page 3, paragraph 0049). Furthermore, the settlement system may have different configurations just as long as the mobile communications terminals are able to communicate with the settlement device via the mobile communications network and the settlement input device is able to communicate with the settlement device (page 2, paragraph 0029).

Blair discloses an apparatus and method for electronic authentication of electronic transactions conducted on the Internet in which customers or users using interface devices such as a wireless telephone are connected via the Internet to a plurality of vendors (page 1, paragraph 0017). The users or customers access Internet web sites through registration and authentications (page 2, paragraph 0019). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the registration and Internet accessibility of the invention of Blair with the settlement input device and mobile communication terminal of Kanno et al. in order to allow a customer on-site and off-site merchant access through use of the Internet.

B. Regarding claims 2, 4, 8, 10, 12, and 16, Blair discloses several examples of sales sites in figure 2 that are accessible from a customer's wireless computer device. These sales sites are an accessing and registration destination for the customer.

C. Regarding claims 3 and 18, the limitations are rejected as applied to claim 1. In the combination of Kanno et al. and Blair, the settlement input device or salesperson terminal has Internet access. Kanno et al. further discloses a controller for the

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settlement input device that calculates the sum of prices of all the purchased goods and displays the results (page 3, paragraph 0044).

D. Regarding claims 7 and 15, the limitations are rejected as applied to claim 1. In the combination of Kanno et al. and Blair, the settlement input device or salesperson terminal has Internet access. Kanno et al. further discloses that a store clerk may use a bar code reader to read the bar code printed on each of the goods and the bar code data is sent to the controller of the settlement input device (page 3, paragraph 0053).

E. Regarding claim 20, Kanno et al. discloses that programs used by the controller to control operations are stored in memory (page 3, paragraph 0038). Therefore rendering a computer program.

3. Claims 5-6, 13-14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (US 2004/0049454) and Blair (US 2004/0049467) as applied to claim 3 above, and further in view of Sanders et al. (US 2003/0158811).

A. Regarding claims 5, 13, and 19, the limitations are rejected as applied to claim 3. The combination of Kanno et al. and Blair does not explicitly disclose a pre-registered schedule for payment. Sanders et al. discloses a system and method for rules based electronic funds transaction processing that utilizes recurring or scheduled transactions such as those applied to a mortgage, insurance, and/or public works utilities (page 13-14, paragraph 0332). Therefore it would have been obvious to one of ordinary skill in the art to follow the teachings of Sanders et al. and implement a system and method for recurring payments in the combination of Kanno et al. and Blair in order to fulfill the electronic payment transaction needs of various organizations.

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B. Regarding claims 6 and 14, Blair discloses several examples of sales sites in figure 2 that are accessible from a customer's wireless computer device. These sales sites are an accessing and registration destination for the customer.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH  
11/17/05

  
CURTIS KUNTZ  
SUPERVISOR, ART UNIT 2643  
TECHNICAL EXAMINER  
NOV 17 2005